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TRANSMITTAL FORM <small>(to be used for all correspondence after initial filing)</small>		Application Number	10/628,905
		Filing Date	7/28/2003
		First Named Inventor	Brooks
		Group Art Unit	1645
		Examiner Name	Tongue, Lakia J.
Total Number of Pages in This Submission		Attorney Docket Number	D-3108CIPCON

ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form (in duplicate) <input checked="" type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input checked="" type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence <input checked="" type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below) Exhibits A and B w/ Amendment
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual Name	Frank J. Uxa Registration No. 25,612
Signature	
Date	2/17/2005

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO at fax number 703-872-9306, or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.			
Typed or printed name		Janet E. McGhee	
Signature			Date 2/17/2005

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FEE TRANSMITTAL for FY 2005

Patent fees are subject to annual revision.

☐ Application claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 580.00

Complete if Known

Application Number 10/628,905
Filing Date 7/28/2003
First Named Inventor Brooks
Examiner Name Tongue, Lakia J.
Art Unit 1645
Attorney Docket No. D-3108CIPCON

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): _____
☒ Deposit Account Deposit Account Number 01-0885 Deposit Account Name Frank J. Uxa

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee
☒ Charge any additional fee(s) associated with this communication ☒ Credit any overpayments

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

FEE CALCULATION

1. BASIC FILING, SEARCH, AND EXAMINATION FEES

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	
Subtotal (1)							

2. EXCESS CLAIM FEES

Fee Description	Fee (\$)	Small Entity Fee (\$)
Each claim over 20 or, for Reissues, each claim over 20 and more than in the original patent	50	25
Each independent claim over 3 or, for Reissues, each independent claim more than in the original patent	200	100
Multiple Dependent Claims	360	180
Total Claims 6 -20 or HP = 6 x Fee (\$)		
HP = highest number of total claims paid for, if greater than 20		
Indep. Claims 3 -3 or HP = 3 x Fee (\$)		
HP = highest number of independent claims paid for, if greater than 3		
Subtotal (2)		0

3. APPLICATION SIZE FEE

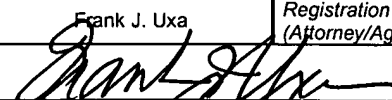
If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

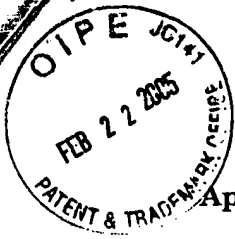
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
_____	_____	_____	_____	_____
_____ -100 = _____ /50= _____ (round up to a whole number) x _____ = _____				
Subtotal (3)				

4. OTHER FEE(S)

	Fee Paid (\$)
<input type="checkbox"/> Surcharge - Late filing fee or oath/declaration: \$130 fee (\$65 small entity discount)	
<input type="checkbox"/> Non-English Specification: \$130 fee (no small entity discount)	
<input type="checkbox"/> 1-month extension of time: \$120 fee (\$60 small entity discount)	
<input checked="" type="checkbox"/> 2-month extension of time: \$450 fee (\$225 small entity discount)	450.
<input type="checkbox"/> 3-month extension of time: \$1020 fee (\$510 small entity discount)	
<input type="checkbox"/> 4-month extension of time: \$1590 fee (\$795 small entity discount)	
<input type="checkbox"/> 5-month extension of time: \$2160 fee (\$1080 small entity discount)	
<input type="checkbox"/> Information Disclosure Statement Fee: \$180 fee (no small entity discount)	
<input type="checkbox"/> Notice of Appeal: \$500 fee (\$250 small entity discount)	
<input type="checkbox"/> Filing a Brief in Support of Appeal: \$500 fee (\$250 small entity discount)	
<input type="checkbox"/> Request for Oral Hearing: \$1000 fee (\$500 small entity discount)	
<input type="checkbox"/> Utility Issue Fee: \$1400 fee (\$700 small entity discount)	
<input type="checkbox"/> Recording each patent assignment per property (times number of properties): \$40 fee (no small entity fee discount)	
<input type="checkbox"/> Request for Continued Examination: \$790 fee (\$395 small entity discount)	
<input checked="" type="checkbox"/> Other: Terminal Disclaimer	130.
Subtotal (4)	580.

SUBMITTED BY

Name (Print/Type)	Frank J. Uxa	Registration No. (Attorney/Agent)	25,612	Telephone	949-450-1750
Signature				Date	2/17/2005



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Brooks, et al.) Examiner: Virginia Portner
Serial Number: Pending) Art Unit: 1645
Filed: HEREIN)
For: BOTULINUM TOXIN COATED STENT) Irvine, California

TRANSMITTAL LETTER

Mail Stop: Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

EV295683064US

Sir/Madam:

Enclosed herewith are the following documents:

- (x) Transmittal Letter - 3 pgs
- (x) Specification (42 pgs. total) 20 Claims (3 pgs.) Abstract (1 pg.)
- (x) Preliminary Amendment (8 pgs)
- () Drawings (0 sheets)
- (x) Copy of Declarations/Powers of Attorney - G. Brooks and S. Donovan (4 pgs)
- (x) Copy of Assignments with Recordation Cover Sheet -G. Brooks and S. Donovan
- (x) Copy of Information Disclosure Statements w/ PTO-1449 Forms and PTO-848 Forms as filed in parent application(s).
- (x) Return/postage paid Postcard
- (x) Express Mail Certificate No. EV295683064US

This application claims priority to both of: continuation in part application Serial Number 10/114,740, filed April 1, 2002, which is a continuation in part of pending application Serial Number 09/371,354, filed August 10, 1999.

Date: July 28, 2003

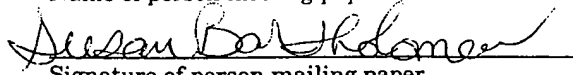

STEPHEN DONOVAN
Registration No. 33,433

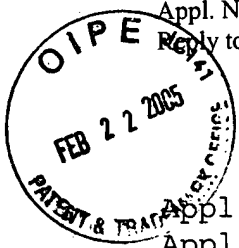
CERTIFICATE OF EXPRESS MAILING UNDER 37 C.F.R. § 1.10

I hereby certify that this Transmittal Letter, the Continuation Patent Application, Preliminary Amendment and the attached documents referred to as enclosed herein are being deposited with the United States Postal Service on this date **July 28, 2003** in an envelope as "Express Mail Post Office to Addressee" Mailing Label number EV295683064US addressed to Mail Stop: Patent Application, Commissioner for Patents, Alexandria, VA 22313-1450.

Date: July 28, 2003

Susan Bartholomew
Name of person mailing paper.


Signature of person mailing paper



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/628,905 Confirmation No. 7440
 Applicant : BROOKS et al.
 Filed : July 28, 2003
 Title : BOTULINUM TOXIN ELUTING STENT
 TC/A.U. : 1600/1645
 Examiner : TONGUE, L.J.
 Docket No. : 17310CIP1CON1(BOT); D3108-CIP1-CON1
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 Commissioner for Patents
 P.O. Box 1450
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2/17/2005
 Janet McGhee

AMENDMENT AND

PETITION FOR A TWO-MONTH EXTENSION OF TIME

Sir:

This response is being submitted in reply to the Office Action of September 17, 2004. A response was due December 17, 2004. Applicant hereby petitions for a two-month extension of time. A response with a two-month extension of time is due February 17, 2005. The Commissioner is hereby authorized to charge the extension of time fee (\$450.00) to Deposit Account No. 01-0885. Accordingly, this response is being timely filed. In response to the Office Action, please amend the above-identified application as follows::

Amendments to the Specification begin on page 3 of this paper.

Amendments to the Claims are reflected in the listing of claims which begins on page 5 of this paper.

Remarks/Arguments begin on page 7 of this paper.